

**REMARKS/ARGUMENTS**

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the amendment to clarify issues upon appeal.

This Amendment is in response to the Office Action dated July 26, 2005. Claims 1-8 are pending. Claims 1-8 are rejected. Claims 1, 4, and 6 have been amended. Claims 9-11 have been added. No claims have been canceled. Accordingly, claims 1-11 remain pending in the present application.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al. (5,903,568). In the "Response to Arguments", the Examiner states:

...There is no requirement in the claims for the single layer manager to manage both the upper and lower layers of protocol stack. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims...

The examiner disagrees with the applicants' argument that Tanaka et al. do not each single layer manager. In figure 3 of the reference Tanaka et al. teach item 106 labeled as lower-layer manager and controls three lower-layer agents in item 107. These lower-layer agents function as protocol stacks and the lower-layer manager functions as single layer manager as the applicant claims to be the invention. Therefore, the applicant did not overcome the rejection of prior art and the examiner retains the rejection of all of the claims.

Applicant respectfully disagrees as to the claims as amended. The present invention, as recited in amended independent claims 1, 4, and 6, provide a method, protocol stack, and computer instructions for obtaining instrumentation data in a protocol stack, comprising: (a) receiving data from a first stack component of the protocol stack by a single layer manager, wherein the single layer manager manages all layers of the protocol stack; (b) analyzing the data for instrumentation information by the single layer manager; and (c) routing the data to a second stack component of the protocol stack by the single layer manager. With the present invention,

the same or single layer manager performs the receiving, analyzing, and routing. The single layer manager manages both the upper and lower layers of the protocol stack. (See Fig. 2 and the corresponding descriptions in the Specification.)

In contrast, Tanaka et al. discloses two separate layer managers: an upper-layer manager (101) for managing the upper layer, and a lower-layer manager (106) for managing the lower layer. The upper-layer manager (101) and the lower-layer manager (106) communicate via an interface (109) between the layers. Tanaka et al. does not disclose the use of a *single* layer manager to manage both the upper and lower layers of the protocol stack.

Thus, Tanaka et al. does not teach or suggest the steps or instructions for receiving, analyzing, and routing by a single layer manager, in combination of the other elements, as recited in the amended independent claims 1 and 6.

Similarly, Tanaka et al. does not teach or suggest a single layer manager interfaced with each of the plurality of stack components, wherein the single layer manager protocol is instrumented, wherein instrumenting the single layer manager instruments the protocol stack, in combination with the other elements, as recited in amended independent claim 4.

Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 4, and 6 is neither taught nor suggested by Tanaka et al. Applicant further submits that claims 2-3, 5, and 7-11 are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1-11 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicants' attorney believes this application in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

October 4, 2005  
Date

/Michele Liu/ Reg. No. 44,875  
Michele Liu  
Attorney for Applicant(s)  
(650) 493-4540